THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

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WRIT APPEAL No.1525 OF 2005

Dt:21.09.2005

Between:

The Transmission Corporation of A.P., Ltd.,

Rep.by its Director, Vidyuth Soudha, Hyderabad … APPELLANT

AND

A.Rangaiah, S/o.Bhadraiah

R/o.18-19, Kamalanagar

Dilsukhnagar, Hyderabad … RESPONDENT

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No.1525 OF 2005

JUDGMENT: ***(per the Hon'ble Smt.Justice T.Meena Kumari)***

This Writ Appeal is filed by the appellant-Corporation aggrieved by the Order dated

09.02.2005 in Writ Petition No.23603 of 1999 passed by a learned single Judge of this Court.

The above said Writ Petition was filed by the respondent-writ petitioner to declare the action of the Corporation in imposing the punishment of 33% cut in his pension vide its Memo dated 04.10.1999 as arbitrary and illegal and consequently to direct the Corporation to grant all consequential benefits including the differential amount of pension to him.

The case of the Writ Petitioner is that he joined the service in the year 1964 and while he was working as Divisional Engineer, by proceedings dated 03.06.1995, he was placed under suspension on the ground of disciplinary enquiry on certain charges and without serving charge sheet on him, an Enquiry Officer was appointed and subsequently two charges were framed. On the basis of the said charges, the Enquiry Officer without recording evidence of either side and without properly conducting the enquiry, submitted a report on 25.08.1997. Subsequent to the Report, he was served with a show cause notice dated 18.12.1998 proposing to impose punishment of 33% cut in the pension. Since he has retired on attaining the age of superannuation in September, 1996, the said punishment of 33% cut in pension was ordered vide proceedings dated 04.10.1999. Aggrieved by the same, the above Writ Petition has been filed. The learned single Judge allowed the Writ Petition setting aside the Order dated 04.10.1999. Questioning the same, the present Writ Appeal has been filed by the Corporation.

Heard the learned counsel and perused the order impugned. While allowing the Writ Petition, learned Judge observed that at no point of time, the respondent-writ petitioner was informed any such charges much less allegations which are made basis for arriving at such finding in the report and it is only on the basis of the said report, without following the procedure and without giving notice, punishment was imposed against him.

During the course of arguments, learned counsel appearing on behalf of the appellant-Corporation has filed additional material, which includes the Enquiry Report.

We have gone through the Enquiry Report. As contended by the learned counsel appearing on behalf of the respondent-writ petitioner, no witnesses were examined.

Even though a contention is raised by the learned counsel for the appellant-Corporation before us that a statutory appeal is available to the respondent-writ petitioner against the impugned order and that non-availing of such remedy would bar filing of the Writ Petition, but, however, in view of flagrant violation of principles of natural justice and in the absence of any material placed before this Court by the Department that they have followed the procedure contemplated while conducting the enquiry and examined the witnesses, as sought by the respondent herein, it has to be held that the Order of the learned single Judge needs no interference.

The Writ Appeal is accordingly dismissed. No order as to costs.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 21.09.2005

bsv/lvl